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*Counsel and Proposed Counsel for the Debtor and Debtor-in-Possession*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

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In re: )  
 ) Chapter 11  
HIGHLAND CAPITAL MANAGEMENT, L.P.,<sup>1</sup> ) Case No. 19-34054-s gj11  
 )  
Debtor. )  
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**NOTICE OF AGENDA OF MATTERS SCHEDULED FOR  
HEARING ON JANUARY 21, 2020 AT 9:30 A.M. (CENTRAL TIME)<sup>2</sup>**

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<sup>1</sup> The Debtor's last four digits of its taxpayer identification number are (6725). The headquarters and service address for the above-captioned Debtor is 300 Crescent Court, Suite 700, Dallas, TX 75201.

<sup>2</sup> The hearing will continue on January 22, 2020 at 9:30 a.m. Central Time, if necessary.

**The hearing will be held at the United States Bankruptcy Court for the Northern District of Texas (Dallas Division), Earle Cabell Federal Building, 1100 Commerce Street, 14th Floor, Courtroom No. 1, Dallas, Texas 75242-1496.**

**Any party participating telephonically should refer to the Order Regarding Telephonic Appearance [Docket No. 298].**

**RESOLVED MATTERS**

1. **DSI Retention Motion** – Motion Pursuant to 11 U.S.C. §§ 105(a) and 363(b) to Employ and Retain Development Specialists, Inc. to Provide a Chief Restructuring Officer, Additional Personnel, and Financial Advisory and Restructuring-Related Services, *Nunc Pro Tunc* as of the Petition Date [Filed: 12/4/19] (Docket No. 74).

Response Deadline: November 12, 2019 at 4:00 p.m. Eastern Time. Extended to November 13, 2019 for the UST.

**Responses Received:**

- a) [SEALED] Omnibus Objection of the Official Committee of Unsecured Creditors to the Debtor's (I) Motion for Final Order Authorizing Continuance of the Existing Cash Management System, (II) Motion to Employ and Retain Development Specialists, Inc. to Provide a Chief Restructuring Officer, and (III) Precautionary Motion for Approval of Protocols for "Ordinary Course" Transactions [Filed: 12/4/19] (Docket No. 128).
- b) [REDACTED] Omnibus Objection of the Official Committee of Unsecured Creditors to the Debtor's (I) Motion for Final Order Authorizing Continuance of the Existing Cash Management System, (II) Motion to Employ and Retain Development Specialists, Inc. to Provide a Chief Restructuring Officer, and (III) Precautionary Motion for Approval of Protocols for "Ordinary Course" Transactions [Filed: 12/4/19] (Docket No. 130).
- c) United States Trustee's Objection to Motion of Debtor Pursuant to 11 U.S.C. §§ 105(a) and 363(b) to Employ and Retain Development Specialists, Inc. to Provide a Chief Restructuring Officer, Additional Personnel, and Financial Advisory and Restructuring Related Services, *Nunc Pro Tunc* as of the Petition Date [Filed: 12/4/19] (Docket No. 135).

**Replies Filed:**

- a) Omnibus Reply of the Debtor in Support of: (I) Motion for Final Order Authorizing Continuance of the Existing Cash Management System, (II) Motion to Employ and Retain Development Specialists, Inc. to Provide a Chief Restructuring Officer, and (III) Precautionary Motion for Approval of Protocols for Ordinary Course Transactions [Filed: 12/4/19] (Docket No. 166).

Related Documents:

- a) [Signed] Agreed Scheduling Order [Filed: 12/23/19] (Docket No. 269).
- b) Supplement to the Motion of the Debtor Pursuant to 11 U.S.C. §§ 105(a) and 363(b) to Employ and Retain Development Specialists, Inc. to Provide a Chief Restructuring Officer, Additional Personnel, and Financial Advisory and Restructuring-Related Services, *Nunc Pro Tunc* as of the Petition Date [Filed: 12/27/19] (Docket No. 282).
- c) [Signed] Order Pursuant to 11 U.S.C. §§ 105(a) and 363(b) Authorizing the Debtor to Employ and Retain Development Specialists, Inc. to Provide a Chief Restructuring Officer, Additional Personnel, and Financial Advisory and Restructuring-Related Services for Such Debtor, *Nunc Pro Tunc* as of the Petition Date [Filed: 1/10/20] (Docket No. 342).

Status: The order has been entered. No hearing is necessary.

2. **OCB Protocol Motion** – Precautionary Motion of the Debtor for Order Approving Protocols for the Debtor to Implement Certain Transactions in the Ordinary Course of Business [Filed: 12/4/19] (Docket No. 76).

Response Deadline: November 12, 2019 at 4:00 p.m. Eastern Time.

Responses Received:

- a) Limited Objection and Reservation of Rights of Jefferies LLC to Debtor's Motion for Order Approving Protocols for the Debtor to Implement Certain Transactions in the Ordinary Course of Business [Filed: 12/4/19] (Docket No. 121).
- b) [SEALED] Omnibus Objection of the Official Committee of Unsecured Creditors to the Debtor's (I) Motion for Final Order Authorizing Continuance of the Existing Cash Management System, (II) Motion to Employ and Retain Development Specialists, Inc. to Provide a Chief Restructuring Officer, and (III) Precautionary Motion for Approval of Protocols for "Ordinary Course" Transactions [Filed: 12/4/19] (Docket No. 128).
- c) [REDACTED] Omnibus Objection of the Official Committee of Unsecured Creditors to the Debtor's (I) Motion for Final Order Authorizing Continuance of the Existing Cash Management System, (II) Motion to Employ and Retain Development Specialists, Inc. to Provide a Chief Restructuring Officer, and (III) Precautionary Motion for Approval of Protocols for "Ordinary Course" Transactions [Filed: 12/4/19] (Docket No. 130).

Replies Filed:

- a) Omnibus Reply of the Debtor in Support of: (I) Motion for Final Order Authorizing Continuance of the Existing Cash Management System, (II) Motion to Employ and

Retain Development Specialists, Inc. to Provide a Chief Restructuring Officer, and (III) Precautionary Motion for Approval of Protocols for Ordinary Course Transactions [Filed: 12/4/19] (Docket No. 166).

Related Documents:

- a) [Signed] Agreed Scheduling Order [Filed: 12/23/19] (Docket No. 269).
- b) Notice of Withdrawal of Precautionary Motion of the Debtor for Order Approving Protocols for the Debtor to Implement Certain Transactions in the Ordinary Course of Business [Filed: 1/15/20] (Docket No. 360).

Status: The motion has been withdrawn. No hearing is necessary.

**CONTINUED MATTER**

3. **PensionDanmark Stay Motion** – Motion of PensionDanmark Pensionsforsikringsaktieselskab for an Order Granting Relief from the Automatic Stay to Terminate Investment Management Agreement [Filed: 12/9/19] (Docket No. 218).

Response Deadline: December 23, 2019 at 5:00 p.m. Central Time. Extended to the Debtor and Committee for January 15, 2020 at 5:00 p.m. Central Time.

Responses Received: None as of the date hereof.

Related Documents:

- a) Joint Motion for Leave to Extend Deadline to Object to Motion for Relief from Stay of PensionDanmark [Filed: 12/23/19] (Docket No. 273).
- b) [Signed] Order Granting the Joint Motion to Extend Time to Object to the Motion of PensionDanmark's Motion for Relief from the Automatic Stay [Filed: 1/3/20] (Docket No. 301).
- c) [Signed] Order Granting the Joint Motion to Extend Time to Object to the Motion of PensionDanmark's Motion for Relief from the Automatic Stay [Filed: 1/6/20] (Docket No. 304).
- d) [Signed] Notice of Hearing on PensionDanmark's Motion for Relief from the Automatic Stay and Extending the Objection Deadline [Filed: 1/8/20] (Docket No. 328).
- e) Joint Motion for Continuance of Hearing on PensionDanmark's Motion for Relief from Stay [Filed: 1/15/20] (Docket No. 359).
- f) [Signed] Agreed Order Continuing the Hearing on PensionDanmark's Motion for Relief from the Automatic Stay [Filed: 1/15/20] (Docket No. 361).

Status: This matter has been continued to a hearing date to be determined.

## **UNCONTESTED MATTERS GOING FORWARD**

4. **Cash Management Motion** – Motion of Debtor for Entry of Interim and Final Orders Authorizing (A) Continuance of Existing Cash Management System and Brokerage Relationships, (B) Continued Use of the Prime Account, (C) Limited Waiver of Section 345(b) Deposit and Investment Requirements, and (D) Granting Related Relief [Filed: 12/4/19] (Docket No. 7) (the “Cash Management Motion”).

Response Deadline: November 12, 2019 at 4:00 p.m. Eastern Time.

Responses Received:

- a) [SEALED] Omnibus Objection of the Official Committee of Unsecured Creditors to the Debtor’s (I) Motion for Final Order Authorizing Continuance of the Existing Cash Management System, (II) Motion to Employ and Retain Development Specialists, Inc. to Provide a Chief Restructuring Officer, and (III) Precautionary Motion for Approval of Protocols for “Ordinary Course” Transactions [Filed: 12/4/19] (Docket No. 128).
- b) [REDACTED] Omnibus Objection of the Official Committee of Unsecured Creditors to the Debtor’s (I) Motion for Final Order Authorizing Continuance of the Existing Cash Management System, (II) Motion to Employ and Retain Development Specialists, Inc. to Provide a Chief Restructuring Officer, and (III) Precautionary Motion for Approval of Protocols for “Ordinary Course” Transactions [Filed: 12/4/19] (Docket No. 130).

Replies Filed:

- a) Omnibus Reply of the Debtor in Support of: (I) Motion for Final Order Authorizing Continuance of the Existing Cash Management System, (II) Motion to Employ and Retain Development Specialists, Inc. to Provide a Chief Restructuring Officer, and (III) Precautionary Motion for Approval of Protocols for Ordinary Course Transactions [Filed: 12/4/19] (Docket No. 166).

Related Documents:

- a) [Signed] Interim Order Authorizing (A) Continuance of Existing Cash Management System, (B) Continued Use of the Prime Account, (C) Limited Waiver of Section 345(b) Deposit and Investment Requirements, and (D) Granting Related Relief [Filed: 12/4/19] (Docket No. 42).
- b) Notice of Entry of Interim Order and Final Hearing on Motion of Debtor for Entry of Interim and Final Orders Authorizing (A) Continuance of Existing Cash Management System and Brokerage Relationships, (B) Continued Use of the Prime Account, (C) Limited Waiver of Section 345(b) Deposit and Investment Requirements, and (D) Granting Related Relief [Filed: 12/4/19] (Docket No. 51).

- c) Supplement to the Motion of Debtor for Entry of Interim and Final Orders Authorizing (A) Continuance of Existing Cash Management System, (B) Continued Use of the Prime Account, (C) Limited Waiver of Section 345(b) Deposit and Investment Requirements, and (D) Granting Related Relief [Filed: 12/19/19] (Docket No. 259).
- d) [Signed] Agreed Scheduling Order [Filed: 12/23/19] (Docket No. 269).
- e) [Signed] Order Approving Settlement with Official Committee of Unsecured Creditors Regarding Governance of the Debtor and Procedures for Operations in the Ordinary Course [Filed: 1/9/20] (Docket No. 339) (the “Settlement Order”).
- f) Notice of Hearing [Filed: 1/15/20] (Docket No. 363).

Status: The Official Committee of Unsecured Creditors’ objections to the Cash Management Motion were resolved by the Court’s entry of the Settlement Order on January 9, 2020. There are no other pending objections to the Cash Management Motion. This matter will go forward.

5. **Bonus Motion** – Motion of the Debtor for Entry of an Order Authorizing the Debtor to Pay and Honor Ordinary Course Obligations Under Employee Bonus Plans and Granting Related Relief [Filed: 12/4/19] (Docket No. 177).

Response Deadline: January 15, 2020 at 5:00 p.m. Central Time. Extended to January 16, 2020 at 5:00 p.m. Central Time for the Committee.

Responses Received: None.

Related Documents:

- a) [Signed] Agreed Scheduling Order [Filed: 12/23/19] (Docket No. 269).
- b) Notice of Hearing on Motion of the Debtor for Entry of an Order Authorizing the Debtor to Pay and Honor Ordinary Course Obligations Under Employee Bonus Plans and Granting Related Relief [Filed: 12/28/19] (Docket No. 285).
- c) Amended Notice of Hearing on Motion of the Debtor for Entry of an Order Authorizing the Debtor to Pay and Honor Ordinary Course Obligations Under Employee Bonus Plans and Granting Related Relief [Filed: 1/6/20] (Docket No. 306).
- d) Notice of Hearing [Filed: 1/15/20] (Docket No. 363).

Status: This matter will go forward.

6. **Mercer Retention Application** – Debtor’s Application Pursuant to Sections 327(a) and 328(a) of the Bankruptcy Code for Authority to Employ Mercer (US) Inc. as Compensation Consultant [Filed: 12/4/19] (Docket No. 180).

Response Deadline: January 15, 2020 at 5:00 p.m. Central Time. Extended to January 16, 2020 at 5:00 p.m. Central Time for the Committee.

Responses Received: None.

Related Documents:

- a) [Signed] Agreed Scheduling Order [Filed: 12/23/19] (Docket No. 269).
- b) Notice of Hearing on Debtor's Application Pursuant to Sections 327(a) and 328(a) of the Bankruptcy Code for Authority to Employ Mercer (US) Inc. as Compensation Consultant [Filed: 12/28/19] (Docket No. 284).
- c) Amended Notice of Hearing on Debtor's Application Pursuant to Sections 327(a) and 328(a) of the Bankruptcy Code for Authority to Employ Mercer (US) Inc. as Compensation Consultant [Filed: 1/6/20] (Docket No. 305).
- d) Notice of Hearing [Filed: 1/15/20] (Docket No. 363).

Status: This matter will go forward.

**CONTESTED MATTERS GOING FORWARD**

7. **Foley Gardere Retention Application** – Debtor's Application for an Order Authorizing the Retention and Employment of Foley Gardere, Foley & Lardner LLP as Special Texas Counsel, *Nunc Pro Tunc* to the Petition Date [Filed: 12/4/19] (Docket No. 68).

Response Deadline: November 12, 2019 at 4:00 p.m. Eastern Time.

Responses Received:

- a) Limited Objection of Acis Capital Management, L.P. and Acis Capital Management GP, LLC to the Debtor's: (I) Application for an Order Authorizing the Retention and Employment of Foley Gardere, Foley & Lardner LLP as Special Texas Counsel, *Nunc Pro Tunc* to the Petition Date; and (II) Application for an Order Authorizing the Retention and Employment of Lynn Pinker Cox & Hurst LLP as Special Texas Litigation Counsel, *Nunc Pro Tunc* to the Petition Date [Filed: 12/4/19] (Docket No. 120).
- b) Limited Objection of the Official Committee of Unsecured Creditors to the Debtor's Application for an Order Authorizing the Retention and Employment of Foley Gardere, Foley & Lardner LLP and Lynn Pinker Cox & Hurst as Special Texas Counsel and Special Texas Litigation Counsel, *Nunc Pro Tunc* to the Petition Date [Filed: 12/4/19] (Docket No. 124).

Replies Filed:

- a) Debtor's Omnibus Reply in Support of (I) Application for an Order Authorizing the Retention and Employment of Foley Gardere, Foley & Lardner LLP as Special Texas Counsel, *Nunc Pro Tunc* to the Petition Date; and (II) Application for an Order Authorizing the Retention and Employment of Lynn Pinker Cox & Hurst LLP as Special Texas Litigation Counsel, *Nunc Pro Tunc* to the Petition Date [Filed: 12/4/19] (Docket No. 165).

Related Documents:

- a) [Signed] Agreed Scheduling Order [Filed: 12/23/19] (Docket No. 269).
- b) Notice of Hearing [Filed: 1/15/20] (Docket No. 363).
- c) Acis Capital Management, L.P. and Acis Capital Management GP, LLC's Witness and Exhibit List [Filed: 1/16/20] (Docket No. 367).

Status: This matter will go forward.

- 8. **Lynn Pinker Retention Application** – Debtor's Application for an Order Authorizing the Retention and Employment of Lynn Pinker Cox & Hurst LLP as Special Texas Litigation Counsel, *Nunc Pro Tunc* to the Petition Date [Filed: 12/4/19] (Docket No. 69).

Response Deadline: November 12, 2019 at 4:00 p.m. Eastern Time.

Responses Received:

- a) Limited Objection of Acis Capital Management, L.P. and Acis Capital Management GP, LLC to the Debtor's: (I) Application for an Order Authorizing the Retention and Employment of Foley Gardere, Foley & Lardner LLP as Special Texas Counsel, *Nunc Pro Tunc* to the Petition Date; and (II) Application for an Order Authorizing the Retention and Employment of Lynn Pinker Cox & Hurst LLP as Special Texas Litigation Counsel, *Nunc Pro Tunc* to the Petition Date [Filed: 12/4/19] (Docket No. 120).
- b) Limited Objection of the Official Committee of Unsecured Creditors to the Debtor's Application for an Order Authorizing the Retention and Employment of Foley Gardere, Foley & Lardner LLP and Lynn Pinker Cox & Hurst as Special Texas Counsel and Special Texas Litigation Counsel, *Nunc Pro Tunc* to the Petition Date [Filed: 12/4/19] (Docket No. 124).

Replies Filed:

- a) Debtor's Omnibus Reply in Support of (I) Application for an Order Authorizing the Retention and Employment of Foley Gardere, Foley & Lardner LLP as Special Texas Counsel, *Nunc Pro Tunc* to the Petition Date; and (II) Application for an Order Authorizing the Retention and Employment of Lynn Pinker Cox & Hurst LLP as Special Texas Litigation Counsel, *Nunc Pro Tunc* to the Petition Date [Filed: 12/4/19] (Docket No. 165).

Related Documents:

- a) [Signed] Agreed Scheduling Order [Filed: 12/23/19] (Docket No. 269).
- b) Notice of Hearing [Filed: 1/15/20] (Docket No. 363).
- c) Acis Capital Management, L.P. and Acis Capital Management GP, LLC's Witness and Exhibit List [Filed: 1/16/20] (Docket No. 367).

Status: This matter will go forward.

9. **Committee's Seal Motion** – Motion of the Official Committee of Unsecured Creditors for Entry of an Order Authorizing Filing Under Seal of the Omnibus Objection of the Official Committee of Unsecured Creditors to the Debtor's (I) Motion for Final Order Authorizing Continuance of the Existing Cash Management System, (II) Motion to Employ and Retain Development Specialists, Inc. to Provide a Chief Restructuring Officer, and (III) Precautionary Motion for Approval of Protocols for "Ordinary Course" Transactions [Filed: 12/4/19] (Docket No. 127).

Response Deadline: At the hearing.

Responses Received:

- a) United States Trustee's Objection to the Official Committee of Unsecured Creditors' Motion to Seal the Omnibus Objection and Supporting Exhibits [Filed: 12/23/19] (Docket No. 272).

Related Documents:

- a) Notice of Hearing [Filed: 1/15/20] (Docket No. 363).

Status: This matter will go forward.

10. **UST's Motion to Appoint C. 11 Trustee** – United States Trustee's Motion for an Order Directing the Appointment of a Chapter 11 Trustee [Filed: 12/23/19] (Docket No. 271).

Response Deadline: January 15, 2020 at 5:00 p.m. Central Time.

Responses Received:

- a) Objection of the Debtor to United States Trustee's Motion for an Order Directing the Appointment of a Chapter 11 Trustee [Filed: 1/15/20] (Docket No. 362).
- b) Objection of the Official Committee of Unsecured Creditors to the United States Trustee's Motion for an Order Directing the Appointment of a Chapter 11 Trustee [Filed: 1/15/20] (Docket No. 364).

Related Documents:

- a) United States Trustee's Witness and Exhibit List in Connection with Motion to Appoint a Chapter 11 Trustee [Filed: 1/14/20] (Docket No. 357).
- b) Notice of Hearing [Filed: 1/15/20] (Docket No. 363).

Status: This matter will go forward.

11. **Agreed Protective Order Motion** – Joint Motion for Entry of an Order Approving the Agreed Protective Order Between Highland Capital Management, L.P., and the Official Committee of Unsecured Creditors [Filed: 12/27/19] (Docket No. 280).

Response Deadline: January 15, 2020 at 5:00 p.m. Central Time.

Responses Received:

- a) United States Trustee's Objection to the Joint Motion for Entry of an Order Approving the Agreed Protective Order Between Highland Capital Management, L.P. and the Official Committee of Unsecured Creditors [Filed: 1/6/20] (Docket No. 307).

Related Documents:

- a) United States Trustee's Witness and Exhibit List in Connection with Motion to Seal and Motion for Protective Order [Filed: 1/14/20] (Docket No. 358).
- b) Notice of Hearing [Filed: 1/15/20] (Docket No. 363).

Status: This matter will go forward.

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Dated: January 16, 2020.

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-and-

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*/s/ Zachery Z. Annable*

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